

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Lucia Heffernan,

Plaintiff,

-against-

Shein Distribution Corp. et al.,

Defendants.

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1:23-cv-01271 (JGK) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Following a telephone conference with the parties, and for the reasons stated on the record, it is hereby Ordered follows:

1. The parties shall meet and confer regarding a consolidated deposition of their 30(b)(6) designee, Tim Wei, on behalf of the corporate defendants in this action as well as in *Alison Lou LLC v. Shein Distribution Corp.*, No. 23-cv-01268 and *Bishop v. Shein Distribution Corp.*, No. 23-cv-01277, in addition to a separate allotment of time for case-specific depositions of Mr. Wei. If the parties are unable to reach a consensual resolution prior to November 9, 2023, the parties shall, on that date, file a joint letter setting forth their respective positions.
2. The depositions in this case, including the depositions of Plaintiff and Mr. Wei, shall proceed via Zoom or other remote means agreed to by the parties. *See* Fed. R. Civ. P. 30(b)(4).
3. Plaintiff shall not take depositions of George Chiao or Mark Aitken at this time. Mr. Wei shall speak with Messrs. Chiao and Aitken in order to prepare for his deposition as Defendants' 30(b)(6) designee. Following Mr. Wei's deposition, Plaintiff may renew

her application to take depositions of Mr. Chiao and/or Mr. Aitken if good cause can be shown regarding the need for such depositions.

4. Plaintiff's motion to compel is GRANTED IN PART and DENIED IN PART as follows:

- a. Plaintiff's motion to compel is moot with respect to communications regarding infringement (*see* Pl.'s Letter Motion, ECF No. 59, at 1-2) based upon representations by Defendants' counsel that Defendants have made a diligent effort to locate responsive communications. Plaintiff may seek testimony from Mr. Wei regarding this topic, as well as Defendants' identification of custodians and repositories.
- b. In response to Request for Production ("RFP") Nos. 20 and 21, Defendants shall produce, for attorney's eyes only, the three documents identified during the telephone conference as well as any additional responsive policies from the beginning of the alleged infringement through the present.
- c. In response to RFP No. 22, Defendants shall produce documents sufficient to show any lawsuits filed against Shein Distribution Corp. in the last five years regarding violations of the Digital Millennium Copyright Act.
- d. Plaintiff's motion to compel documents responsive to RFP Nos. 25, 27 and 37 is denied. The Court, in its discretion, finds that these requests are not proportional to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1).
- e. In response to Plaintiff's interrogatories regarding international sales, Defendants shall produce documents sufficient to show international sales of the product at issue.

The Clerk of Court is respectfully requested to terminate the motions filed at ECF Nos. 56, 59 and 73.

SO ORDERED.

Dated: New York, New York
November 2, 2023

A handwritten signature in cursive script, reading "Stewart D. Aaron".

STEWART D. AARON
United States Magistrate Judge